

management and the legislative fiscal bureau estimates of their receipts and expenditure requirements from federal or other nonstate grants, receipts, and funds for the ensuing fiscal year. The transmittal shall include the names of the grantor and the grant or the source of the funds, the estimated amount of the funds, and the planned expenditures and use of the funds. The format of the transmittal shall be specified by the legislative fiscal bureau.

Sec. 54. Section 8.44, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. All departments and establishments of government and the judicial department shall notify the department of management and the legislative fiscal bureau of any change in the receipt of federal or other nonstate grants, receipts, and funds from the funding levels on which appropriations for the current or ensuing fiscal year were or are based. Changes which must be reported include, but are not limited to, any request, approval, award, or loss changes affecting federal or other nonstate grants, receipts, or funds. The notifications shall be made on a quarterly basis. The format of the notifications shall be specified by the legislative fiscal bureau.

Approved May 6, 1990

CHAPTER 1264

**APPROPRIATIONS AND PROVISIONS RELATING TO SUBSTANCE ABUSE
TREATMENT, PREVENTION, AND ENFORCEMENT**

H.F. 2564

AN ACT relating to making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1.

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the youth 2000 coordinating council for awarding community planning grants for collaborative efforts to establish local drug prevention and youth development programs as provided in section 256.42, subsection 5:

..... \$ 80,000

As a condition, limitation, and qualification of this appropriation, grants shall be awarded for collaborative efforts within the community receiving the grant, and such grants shall not exceed \$2,500. As a further condition, limitation, and qualification of this appropriation, funding shall be provided for contracting on a competitive basis with a nonprofit organization to provide technical assistance to communities pursuant to section 256.43.

Applicants for grants to be made pursuant to this program shall include with the application a letter of support from a comprehensive prevention program funded through the division serving the district within which one community is situated.

***Sec. 2.**

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

*Item veto; see message at end of the Act

For providing grants to community colleges for training staff to provide courses designed for first time domestic abuse offenders:

..... \$ 22,000

*As a condition, limitation, and qualification of this appropriation, grants shall not exceed \$2,000 and shall be awarded on a competitive basis pursuant to criteria established by the department. Awards need not be made to all community colleges. The department shall submit a report to the justice system appropriations subcommittee and the legislative fiscal bureau by December 1, 1990, which shall identify each community college receiving a grant, the amount of each grant, and a program description of each proposal for which a grant is awarded.**

Sec. 3.

There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For continuation of the study at the university of Iowa approved by the legislative council on October 18, 1989, relating to the possible expanded use of Ritalin, a legal drug, in Iowa to high activity level (attention-deficit hyperactivity disorder) classroom children:

..... \$ 5,000

Sec. 4.

There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

- 1. For the division of substance abuse for program grants:

..... \$ 1,162,208

As a condition, limitation, and qualification of this appropriation, the division shall allocate this amount in a manner which will effectively reduce, if not eliminate, the waiting period which now exists at publicly funded substance abuse treatment centers for individuals, including adults and juveniles, awaiting assessment, outpatient treatment, entry into a halfway house, and residential treatment, and which will provide for increases in provider salaries.

As a further condition, limitation, and qualification of this appropriation, the division, when allocating this amount in a manner which will effectively reduce the waiting period, shall give priority to persons released or discharged from a facility under the direction of the department of corrections who were in treatment programs and who are identified by the parole board to be in need of further treatment, women of childbearing age, and juveniles.

As a further condition, limitation, and qualification of this appropriation, the division of substance abuse and the department of corrections shall cooperate in developing a continuum of care related to substance abuse treatment of inmates and persons released or discharged from a facility.

- 2. For the division of substance abuse for providing aftercare services for persons completing substance abuse treatment:

..... \$ 250,000

- 3. For the division of substance abuse for providing substance abuse prevention programs:

..... \$ 200,000

**4. For the division of substance abuse to initiate demonstration projects in the urban area currently experiencing the highest incidence of infants born with addiction problems, as determined by the division, to provide outreach services, and prenatal and postnatal services and treatment for these infants, mothers with substance abuse problems, and women of childbearing age:*

..... \$ 125,000

*The drug enforcement and abuse prevention coordinator shall monitor the program and receive reports required to be made concerning the program. Persons responsible for the program shall report to the drug enforcement and abuse prevention coordinator concerning progress in establishing the program and the expenditures made.**

*Item veto; see message at end of the Act

5. For the council on chemically exposed infants established pursuant to section 235C.1:
 \$ 50,000

*6. For the division of substance abuse for the addiction treatment effectiveness advisory council established pursuant to section 125.15A, and for not more than the following full-time equivalent positions:

..... \$ 250,000
 FTEs 2.50

As a condition, limitation, and qualification of this appropriation, the department shall implement sections 125.15A through 125.15M. The department shall employ one additional program investigator to be used for substance abuse program review. As a further condition, limitation, and qualification of this appropriation, the division shall provide staff support to the advisory council as necessary.

*Notwithstanding section 8.33, funds appropriated by this subsection shall not revert.**

7. For the state board of pharmacy examiners for establishing a drug abuse warning network and an Iowa drug abuse monitoring system:

..... \$ 12,500

As a condition, limitation, and qualification of this appropriation, the board of pharmacy examiners, in cooperation with the drug enforcement and abuse prevention coordinator, shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used for establishing a drug abuse warning network and an Iowa drug abuse monitoring system.

Sec. 5.

There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the division of criminal investigation and bureau of identification for equipment and salaries and support for the following additional full-time equivalent positions:

..... \$ 56,292
 FTEs 4.00

As a condition, limitation, and qualification of this appropriation, the division shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used to employ an additional 4 full-time lab technicians for the criminalistic laboratory.

2. For use by the department to provide additional law enforcement officials to initiate project D.A.R.E. (drug abuse resistance education) within local communities:

..... \$ 28,000
 FTEs 4.00

As a condition, limitation, and qualification of this appropriation, the department shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used to employ 4 additional members of the highway safety patrol to assist with the initiation of project D.A.R.E. within local communities.

3. For the division of narcotics for the salaries and support of up to the following additional full-time equivalent positions:

..... \$ 150,000
 FTEs 10.00

As a condition, limitation, and qualification of this appropriation, the department shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used to employ up to an additional 10 full-time special agents and additional support personnel.

4. For the division of narcotics for funding drug enforcement operations to be used for the purchase of illegal substances in furtherance of these enforcement operations:

..... \$ 125,000

*Item veto; see message at end of the Act

As a condition, limitation, and qualification of this appropriation, the department shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used for the purchase of illegal substances in furtherance of these enforcement operations.

Sec. 6.

There is appropriated from the general fund of the state to the office of the governor for the drug enforcement and abuse prevention coordinator for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. For the Iowa substance abuse information center located in Cedar Rapids:

	\$	59,000
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As a condition, limitation, and qualification of this appropriation, the drug enforcement and abuse prevention coordinator shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used for the costs of the information center.

**2. For planning and establishing a program of identification, treatment, and education of students in grades kindergarten through 3 in the Waterloo community school district whose mothers were addicted to or using controlled substances while pregnant:*

- \$ 125,000

As a condition, limitation, and qualification of this appropriation, a pilot project shall be established for the identification and education of elementary students whose mothers were using controlled substances during pregnancy resulting in the children experiencing special learning and behavioral problems. The drug enforcement and abuse prevention coordinator shall monitor the program and receive reports required to be made concerning the program. Persons responsible for the program shall report to the drug enforcement and abuse prevention coordinator concerning progress in establishing the program and the expenditures made. The coordinator shall provide such reports to the general assembly. The program shall include medical and psychiatric research with the university of Iowa, educational research with the university of northern Iowa, an educational program for parents of the children including programs for parents confined in a county jail or committed to the custody of the director of the department of corrections, a child care educational program to address the problems of parenting such children, a program for the care and education of such children before and after school, creation of a mentor program with jobs and local businesses, a treatment program for parents, and team teacher training.

*Persons responsible for the program shall coordinate and encourage the involvement of other programs and service providers within the community in developing this program.**

Sec. 7. 1989 Iowa Acts, chapter 225, section 6, is amended to read as follows:

SEC. 6. Notwithstanding any other provisions of law, the treasurer of state before making allotments of the moneys within the Iowa plan fund pursuant to section 99E.32, subsection 1, for the fiscal year beginning July 1, 1989, shall transfer to the Iowa narcotics enforcement advisory council drug enforcement and abuse prevention coordinator, the following amount, to be used for the purposes designated:

- 1. For the Iowa narcotics enforcement advisory council for the administration of a drug enforcement training program for local law enforcement officers, as defined in section 80B.3, subsection 3, including, but not limited to, training for the detection of gang and juvenile activity and the apprehension of gang members and juvenile delinquents, subject to the limitation that the council shall not pay for more than fifty percent of the cost of training of any officer, including salary and other benefits, with the remaining fifty percent to be paid by the law enforcement officer's local jurisdiction relating to all aspects of drug control:

	\$	300,000
		73,500

*Item veto; see message at end of the Act

As a condition, limitation, and qualification of this appropriation, the law enforcement officers to be trained under this program shall be selected by the Iowa narcotics enforcement advisory council in closed session. The record of the closed session is exempt from chapter 22. When the council has reached a decision, it shall convene in open meeting and announce such decision. No more than four law enforcement officers participating in this training shall be employed by law enforcement agencies located in the same county. The training program shall be for a period of one year and an officer participating in this program shall perform, after receiving initial instruction and training at the law enforcement academy, duties as directed by the department of public safety within the narcotics enforcement division relating to the department's responsibility for the enforcement of all laws and rules relating to any controlled substance or counterfeit substance as provided in sections 80.27 through 80.34.

2. For administration of the governor's alliance on substance abuse:

..... \$ 81,000

As a condition, limitation, and qualification of this appropriation, the drug enforcement and abuse prevention coordinator shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used for the costs of administration.

3. For the Iowa substance abuse information center located in Cedar Rapids:

..... \$ 22,000

As a condition, limitation, and qualification of this appropriation, the drug enforcement and abuse prevention coordinator shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used for the costs of the information center.

4. For the prosecuting attorney training program:

..... \$ 73,500

5. For reimbursement payments to law enforcement officers under the guaranteed loan payment program pursuant to section 261.51,* if enacted by the Seventy-third General Assembly, 1990 Session:

..... \$ 25,000

6. For salaries, support, maintenance, and technical assistance for the purpose of reducing court delays and for the training of judges:

..... \$ 25,000

As a condition, limitation, and qualification of this appropriation, the drug enforcement and abuse prevention coordinator, in cooperation with the judicial department, shall use this amount to match and obtain available federal funds, the total amount of these funds to be used for the purpose of reducing court delays.

7. Notwithstanding section 8.33, funds appropriated by this section shall not revert.

Sec. 8.

There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

Notwithstanding section 602.6201, for an additional judgeship to be established in judicial election district 8B pursuant to House File 2045,** as enacted by the Seventy-third General Assembly, 1990 Session:

..... \$ 135,000

Sec. 9.

It is the intent of the general assembly that of the funds anticipated to be received from the federal government by the drug enforcement and abuse prevention coordinator for the governor's alliance on substance abuse, the coordinator shall give the highest priority for distribution of such funds to applications made by public agencies which have contracted with other public agencies pursuant to chapter 28E, and public agencies which have created multi-jurisdictional task forces, for the purpose of cooperating jointly in enforcement efforts related primarily to controlled substances, counterfeit substances, or simulated controlled substances.

*Not enacted
**Chapter 1055 herein

The coordinator shall also give priority to providing funding to the office of the attorney general for providing grants for additional local prosecutors, funding for state and local drug enforcement operations to be used for the purchase of illegal substances in furtherance of these enforcement operations, funding to initiate or continue project D.A.R.E. (drug abuse resistance education) within local communities, including training for local law enforcement officials, and funding for the clearinghouse in Cedar Rapids.

Sec. 10.

It is the intent of the general assembly that of funds made available through the alcohol and drug abuse and mental health services block grant for the federal fiscal year beginning October 1, 1990, and ending September 30, 1991, priority shall be given to the extent possible, to reducing substance abuse waiting lists, providing aftercare for persons completing substance abuse treatment, providing additional substance abuse prevention specialists, dual diagnosis, for early identification and intervention of children born afflicted with a substance addiction, and for increasing provider salaries. Of the funds used for reducing substance abuse waiting lists, priority shall be given to persons released or discharged from an institution under the direction of the department of corrections who were in treatment programs and who are identified by the board of parole to be in need of further treatment, women of childbearing age, and juveniles.

Sec. 11. DEPARTMENT OF EDUCATION — SURVEY.

The department of education shall survey all school districts in the state for the purpose of evaluating and assessing the extent to which substance abuse education is being provided to students in grades kindergarten through 12. The department shall recognize successful programs and provide information concerning such programs to other districts. The department shall report the findings of its survey to the general assembly no later than January 15, 1991.

Sec. 12.

The department shall also encourage the use of phase III moneys for teachers who have completed drug awareness training. Information shall be provided to school districts regarding available training courses and the importance of this training.

The department shall encourage schools to establish student assistance teams and other drug abuse prevention groups to provide support and help to students with substance abuse problems and to provide support to other students who are not yet substance abusers. Positive role models should be established in an effort to deter increased substance abuse by younger students and other students within the role models' peer groups.

Sec. 13. RESEARCH DEVELOPMENT.

The general assembly encourages the development and maintenance of research and information by the federal government, research centers, and universities concerning substance abuse and treatment of substance abusers in an effort to determine the most effective method of treatment.

**Sec. 14. NEW SECTION. 125.15A ADDICTION TREATMENT EFFECTIVENESS ADVISORY COUNCIL — MEMBERS.*

1. An addiction treatment effectiveness advisory council is established within the department, which consists of fifteen members appointed by the governor to staggered terms of six years beginning and ending as provided in section 69.19. The appointments are subject to senate confirmation. The members of the council shall include the following:

- a. Two physicians licensed in this state who have substantial experience in substance abuse treatment and who is certified by the association of specialists in addiction medicine.*
- b. One registered nurse who has substantial experience in substance abuse treatment.*
- c. Two persons, one who is a certified substance abuse counselor and one who is a director of a substance abuse treatment provider. One shall be appointed to represent such private persons and entities and one shall be appointed to represent such public persons and entities.*
- d. One person representing a master's degree program in substance abuse counseling, with research expertise in the field of substance abuse treatment.*

e. Two representatives of the business community who shall represent the business consumers of health insurance.

f. Two representatives of providers of health insurance. At least one representative shall represent health maintenance organizations or preferred provider organizations.

g. Three citizens of the state who do not provide health services or health insurance or other fiscal intermediary services.

Members appointed to the advisory council pursuant to paragraphs "a" through "d" shall be appointed so that an equal number shall be appointed to represent public substance abuse treatment providers as are appointed to represent private substance abuse treatment providers.

The appointments shall be based upon the training, experience, and capacity of the appointees, and not based upon political considerations, other than as provided in section 69.16. A member of the council shall not hold any other state or federal office.

2. The director of public health or the director's designee and the director of human services or the director's designee shall be ex officio, nonvoting members of the council.

3. The majority leader of the senate shall appoint two members, one member from each political party, from the membership of the senate and the speaker of the house of representatives shall appoint two members, one member from each political party, from the membership of the house who shall be ex officio, nonvoting members of the council.

4. A vacancy on the council shall be filled for the unexpired term in the same manner as the original appointment.

5. The voting members of the council shall be reimbursed for actual and necessary travel and related expenses incurred in the discharge of official duties. Each voting member of the council may also be eligible to receive compensation as provided in section 7E.6.

6. The council shall hold an organizational meeting within thirty days of the beginning of a new regular term for one or more of its members. The council shall organize by electing a chairperson, vice chairperson, secretary, and any other officers deemed necessary or desirable. The council shall meet at least quarterly throughout the year.

*7. A majority of the voting members of the council constitutes a quorum, and a majority of the voting members of the council is necessary to act in any matter within the jurisdiction of the council, unless a more restrictive rule is adopted by the council.**

***Sec. 15. NEW SECTION. 125.15B DUTIES OF COUNCIL.**

1. Except as otherwise provided by law, the council shall:

a. Recommend policy and rule changes to the director necessary to provide for the effective regulation and assessment of treatment providers in this state and the effective administration of this chapter.

b. Receive, review, and make recommendations to the department based upon the information contained in the provider reports received by the department.

c. Shall study whether or not a problem currently exists with inappropriate transfers of patients by either providers or third-party payors, and, if so, make appropriate recommendations to the department.

*2. The council may recommend to the director a contractor for the purpose of data collection related to the evaluation of providers subject to the provisions of this chapter and for the collection of patient data.**

***Sec. 16. NEW SECTION. 125.15C REQUIRED REPORTING.**

Unless otherwise provided, a substance abuse treatment provider, regardless of whether the provider is licensed by the commission on substance abuse, shall report to the department on forms provided by the department, information relating to all patients admitted to treatment, receiving treatment, or discharged from treatment, and again at a specified time after completing or ending such treatment as required by departmental rule. The provider shall provide all information requested which is available to the provider. The department, after consultation with the advisory council, shall adopt rules providing for the information to be reported to the department and the advisory council.

*Item veto; see message at end of the Act

In addition to receiving the reports required under this section, the division of substance abuse, for good cause, shall have access to the records of a substance abuse treatment provider for the purpose of auditing and inspecting the programs to assure compliance with the requirements of sections 125.15B through 125.15M.

For the period beginning July 1, 1990, and ending June 30, 1991, the form to be used for the reporting required under section 125.15C for all providers shall be the substance abuse management information system form used by the division of substance abuse. No later than July 1, 1991, the department, in consultation with the advisory council, shall require the reporting of additional information relating to the following addiction related symptoms of a patient:

- 1. Physical diseases associated with the use of substances.*
- 2. Organic brain dysfunction.*
- 3. Symptomatic major psychosis.*
- 4. Suicide attempts.*
- 5. Other symptoms as deemed appropriate by the advisory council and adopted by the department for the purpose of determining patient severity at the time of admission to treatment.**

***Sec. 17. NEW SECTION. 125.15D DATA CONTRACTOR.**

*The department, after consultation with and upon recommendation of the advisory council, may contract with an independent data collector to survey substance abuse treatment providers required to report information under section 125.15C, and shall provide such information required to be reported pursuant to section 125.15C, and any other information collected as determined by the department, to the council.**

***Sec. 18. NEW SECTION. 125.15E DATA PROVIDED TO HEALTH DATA COMMISSION.**

*The department shall also forward all data reported pursuant to section 125.15C and any other information collected as determined by the department to the state health data commission.**

***Sec. 19. NEW SECTION. 125.15F MEASUREMENT STANDARDS.**

The department, after consultation with the advisory council, shall adopt rules establishing minimum standards of outcome measurement of patients ending or completing treatment relating to the effectiveness of substance abuse treatment programs, which shall primarily include, but not be limited to, the following:

- 1. Abstinence.*
- 2. Arrest rate.*
- 3. Improved socioeconomic status.**

***Sec. 20. NEW SECTION. 125.15G TYPES OF PROGRAMS.**

*For purposes of review of substance abuse treatment programs, all programs providing substance abuse treatment and subject to the requirements of section 125.15A through 125.15M, shall be divided into class 1 and class 2 programs based upon a patient severity index as determined by the advisory council. The patient severity index must include factors relating to medical severity, psychological dysfunction, age, recidivism, arrest rate, and other pertinent factors. The department, after consultation with the advisory council, shall adopt rules relating to the definition of class 1 and class 2 programs.**

***Sec. 21. NEW SECTION. 125.15H PROVIDER REVIEW — MINIMUM STANDARDS.**

*No later than July 1, 1992, the department, after consultation with the advisory council, shall adopt rules providing for the minimum standards to be met by all providers.**

***Sec. 22. INTERIM RULES.**

For the period beginning July 1, 1990, and ending June 30, 1992, all treatment providers shall meet the following minimum standards:

A success rate equal to seventy-five percent of the average success rate of the top fifty percent of treatment providers within the same class in each of the following categories:

*Item veto; see message at end of the Act

1. Abstinence.
2. Arrest rate.
3. Improved socioeconomic status.

*A treatment provider who fails to attain the required minimum success rate in any of the three categories shall be subject to intensified review by the department.**

***Sec. 23. NEW SECTION. 125.15I PROVIDER SANCTIONS.**

1. *A treatment provider which fails to meet the minimum standards established pursuant to section 125.15F shall be reviewed by the advisory council. Within thirty days after the advisory council has concluded its review, the advisory council shall provide recommendations for program changes, or may recommend other appropriate action to be taken pursuant to this section, if any, to the Iowa department of public health. The department, upon affirming the recommendations of the advisory council, shall forward to the provider program recommendations as recommended by the advisory council, or other recommendations deemed appropriate by the department, and may stay further action against the provider, for a period of up to one year during which time, the advisory council shall continue to review the provider and new patient data shall be collected for review.*

2. *The advisory council may appoint one or more quality improvement task forces for the purpose of providing expert review and advice for improving the success rate of providers failing to meet the minimum standards required pursuant to section 125.15H. A task force shall consist of three substance abuse professionals from programs in the top fifty percent of all providers in the same class as the provider that fails to meet the standards. A task force shall review a provider that fails to meet the minimum standards and make recommendations for change to the provider being reviewed and notify the advisory council as to those recommendations. Both public and private providers shall be represented on a quality improvement task force. Persons serving on a quality improvement task force may be reimbursed for expenses incurred in performance of the duties of the task force. A task force shall cooperate with the division of substance abuse and the technical assistance program.*

3. *If the advisory council finds that a substance abuse treatment provider has failed to meet the minimum standards established pursuant to section 125.15F and action by the advisory council is not recommended pursuant to subsection 1, the advisory council may do any of the following:*

a. *Recommend to the director of public health that funding for the substance abuse treatment provider relating to the substance abuse treatment programs of the provider be withheld.*

b. *Recommend to the director of human services that medical assistance funding relating to the substance abuse treatment programs of the provider be withheld.*

c. *Recommend to the appropriate licensing authority that the license of the substance abuse treatment provider be suspended or revoked relating to the substance abuse treatment programs of the provider.*

4. *Notwithstanding subsections 1 through 3, the advisory council may find that the program serves a particularly difficult patient population and that the public health and welfare would be furthered by continuing to fund the program. In such a case, the advisory council, upon an affirmative vote of two-thirds of the members of the council shall recommend that a new measurement standard be established by the department, by rule, for the program.*

5. *If the advisory council has acted pursuant to subsection 1 and the director accepts such recommendation and stays action against the provider, at the end of that year the advisory council may recommend to the department an additional extension of the period of intensified review for up to one additional year.*

6. *If the advisory council has acted pursuant to subsection 1, 2, or 3 and no action has been taken pursuant to subsection 4 or 5, the department shall include the substance abuse treatment provider on a list of providers failing to meet the minimum standards which shall be provided to the public, third-party payors for health services, local government bodies, and substance abuse treatment provider accreditation entities.**

*Item veto; see message at end of the Act

**Sec. 24. NEW SECTION. 125.15J CONFIDENTIALITY OF INFORMATION.*

1. Information received by the department contained in the reports required pursuant to section 125.15I is subject to the confidentiality provisions of sections 125.37 and 125.93.

However, a summary of data concerning a program which has been sanctioned pursuant to section 125.15I, subsection 2 or 3, shall be made available, as appropriate, by the department.

*2. Beginning July 1, 1993, to the extent permitted by state and federal law, a summary of data concerning the success of all substance abuse treatment programs shall be made available by the department upon the request of any interested person.**

**Sec. 25. NEW SECTION. 125.15K EXEMPLARY PROVIDERS — PREFERENTIAL TREATMENT.*

The department, in consultation with the advisory council, shall adopt rules defining exemplary substance abuse treatment programs and providing for the recognition of exemplary substance abuse treatment programs. In adopting such rules the department shall consider patient populations and other appropriate factors.

*Additionally, to the extent permitted by applicable state and federal requirements relating to substance abuse treatment funding, the department shall preferentially consider such exemplary substance abuse treatment providers in subsequent funding grant applications.**

**Sec. 26. NEW SECTION. 125.15L FALSIFICATION OF REPORT DATA.*

A substance abuse treatment provider required to provide information to the department pursuant to section 125.15C, who intentionally falsifies any diagnosis of a patient admitted to treatment to avoid review pursuant to section 125.15H, who intentionally fails to report information to the department, or who falsifies such report, is subject to a civil penalty of five thousand dollars per false diagnosis, per failure to make such report, or per falsification of such report, in addition to any other appropriate action which may be taken by the department or the council. Such penalties shall be collected by the department and deposited in the general fund of the state.

*In addition to the civil penalty provided in this section, the department shall also make a list of providers committing violations of this section available to the public, third-party payors for health services, local government bodies, and substance abuse treatment provider accreditation entities.**

**Sec. 27. NEW SECTION. 125.15M PROGRAMS EXCLUDED — PENALTY.*

In addition to any other provider excluded by law, any provider or facility which provides only detoxification, screening, or assessment of persons is excluded from the review and reporting requirements of sections 125.15A through 125.15L with respect to that patient as long as the patient is subsequently referred to counseling or other substance abuse treatment providers following detoxification.

*Unless otherwise excluded, any person providing substance abuse treatment is subject to the requirements of sections 125.15A through 125.15L. A provider who fails to comply with these sections shall cease providing such services. Such provider who continues to provide such services in violation of this section is subject to a civil penalty of one thousand dollars for each day the provider continues to provide such services after notification by the department to cease such treatment.**

Sec. 28. Section 232.73, Code 1989, is amended to read as follows:

232.73 IMMUNITY FROM LIABILITY.

A person participating in good faith in the making of a report, or photographs, or X rays, or in the performance of a medically relevant test pursuant to this chapter, or aiding and assisting in an investigation of a child abuse report pursuant to section 232.71, shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed. The person shall have the same immunity with respect to participation in good faith in any judicial proceeding resulting from the report or relating to the subject matter of the report.

*Item veto; see message at end of the Act

As used in this section and section 232.77, "medically relevant test" means a test that produces reliable results of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives thereof, including a drug urine screen test.

Sec. 29. Section 232.77, Code 1989, is amended to read as follows:

232.77 PHOTOGRAPHS AND, X RAYS, AND MEDICALLY RELEVANT TESTS.

1. Any person who is required to report a case of child abuse may take or cause to be taken, at public expense, photographs or X rays of the areas of trauma visible on a child. Any health practitioner may, if medically indicated, cause to be performed radiological examination of the child. Any person who takes any photographs or X rays pursuant to this section shall notify the department of human services that such photographs or X rays have been taken, and shall retain such photographs or X rays for a reasonable time thereafter. Whenever such person is required to report under section 232.69, in that person's capacity as a member of the staff of a medical or other private or public institution, agency or facility, that person shall immediately notify the person in charge of such institution, agency, or facility or that person's designated delegate of the need for photographs or X rays.

2. If a health practitioner discovers in a child under one year of age physical or behavioral symptoms of the effects of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives thereof, which were not prescribed by a health practitioner, or if the health practitioner has determined through examination of the natural mother of the child that the child was exposed in utero, the health practitioner may perform or cause to be performed a medically relevant test, as defined in section 232.73, on the child. The practitioner shall report any positive results of such a test on the child to the department, unless the natural mother has shown good faith in seeking appropriate care and treatment. The department shall begin an investigation pursuant to section 232.71 upon receipt of such a report. The positive result shall constitute a showing of probable cause under section 232.71, subsection 3, but shall not be used in any criminal prosecution of the natural mother of the child, and shall not represent grounds for a determination of child abuse.

Sec. 30. NEW SECTION. 235C.1 COUNCIL CREATED – PURPOSE.

A council on chemically exposed infants is established as a subcommittee of the committee on maternal and child health of the community health division of the Iowa department of public health. The purpose of the council is to help the state develop and implement policies to reduce the likelihood that infants will be born chemically exposed, and to assist those who are born chemically exposed to grow and develop in a safe environment.

As used in this chapter, a "chemically exposed infant" is an infant who shows evidence of exposure to or the presence of alcohol, cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs or combinations or derivatives thereof which were not prescribed by a health practitioner.

Sec. 31. NEW SECTION. 235C.2 MEMBERSHIP.

The council on chemically exposed infants shall be composed of the following members:

1. Two members of the Iowa department of public health selected by the director of the Iowa department of public health, one from the division of substance abuse, and one from the division of family and community health.

2. The director of the department of human services or the director's designee as a nonvoting ex officio member.

3. The department coordinator of the department of human rights or the coordinator's designee as a nonvoting ex officio member.

4. The director of the department of education or the director's designee as a nonvoting ex officio member.

5. The chairperson of the state maternal and child health advisory council or the chairperson's designee.

6. A physician selected by the board of the Iowa medical society with expertise in the care of the mother and a physician selected by the board of the Iowa medical society with expertise in the care of the infant.

7. A hospital administrator selected by the board of the Iowa hospital association.
8. A representative from a community health center located in Iowa selected by the Iowa/Nebraska primary care association.
9. A representative from a maternal and child health center selected by the governor.
10. A representative from a substance abuse treatment program, selected by the governor.
11. Two citizen members, selected by the governor.
12. A representative from the governor's alliance on substance abuse selected by the alliance.
13. A representative from the university of Iowa medical school selected by the director of the medical school.
14. A representative from a community-based substance abuse prevention program, selected by the governor.
15. A representative from the juvenile court, selected by the chief justice of the Iowa supreme court.
16. An attorney who practices in the area of juvenile law, selected by the Iowa state bar association.

The council shall be staffed by the Iowa department of public health. The council shall elect its own chairperson.

Sec. 32. NEW SECTION. 235C.3 COUNCIL DUTIES.

The council shall be responsible for the following activities:

1. **DATA COLLECTION.** The council shall assemble relevant materials regarding the extent to which infants born in Iowa are chemically exposed, the services currently available to meet the needs of infants born who are chemically exposed, and the costs incurred in caring for infants born who are chemically exposed, including both costs borne directly by the state and costs borne by society.

2. **PREVENTION AND EDUCATION.** The council, after reviewing the data collected pursuant to subsection 1, and after reviewing education and prevention programs employed in Iowa and in other states, shall make recommendations to the appropriate division to develop a state prevention and education campaign, including the following components:

a. A broad-based public education campaign outlining the dangers inherent in substance use during pregnancy.

b. A health professional training campaign, including recommendations concerning the curriculum offered at the college of medicine at the state university of Iowa, providing assistance in the identification of women at risk of substance abuse during pregnancy and strategies to be employed in assisting those women to maintain healthy lifestyles during pregnancy. Included in this education campaign shall be guidelines to health professionals offering information on assessment, laboratory testing, medication use, and referrals.

c. A targeted public education campaign directed toward high-risk populations.

d. A technical assistance program for developing support programs to identified high-risk populations, including pregnant women who previously have given birth to chemically exposed infants or currently are using substances dangerous to the health of the fetus.

e. An education program for use within the school system, including training materials for school personnel to assist those personnel in identification, care, and referral.

3. **IDENTIFICATION.** The council shall develop recommendations regarding state programs or policies to increase the identification of chemically exposed infants.

4. **TREATMENT SERVICES.** The council shall seek to improve effective treatment services within the state for chemically exposed infants. As part of this responsibility, the council shall make recommendations to the addiction treatment effectiveness advisory council established in section 125.15A.* Such recommendations shall include, but are not limited to, the following:

a. Identification of programs available within the state for serving chemically exposed infants and their families.

b. Recommended ways to enhance funding for effective treatment programs, including the use of state health care programs and services under the medical assistance program and the maternal and child health programs.

*Item vetoed

c. Identification of means to serve children who were chemically exposed infants when the children enter the school system.

As an additional part of this responsibility, the council shall determine whether a problem exists with respect to substance abuse treatment providers and physicians discriminating against pregnant women in providing treatment or prenatal care.

5. CARE AND PLACEMENT. The council shall work with the department of human services to expand appropriate placement options for chemically exposed infants who have been abandoned by their parents or cannot safely be returned home. As part of this responsibility, the council shall do all of the following:

a. Assist the department of human services in developing rules to establish specialized foster care services that can attract foster parents to care for chemically exposed infants.

b. Identify additional services, such as therapeutic day care services, that may be needed to effectively care for chemically exposed infants.

c. Review the need for residential programs designed to meet the needs of chemically exposed infants.

As an additional part of the responsibility, the council shall determine whether a problem exists with respect to substance abuse treatment providers and physicians discriminating against pregnant women in providing treatment or prenatal care.

6. AWARDS OF GRANTS AND DEVELOPMENT OF PILOT PROGRAMS. From funds appropriated for this purpose, the council shall award grants or develop pilot programs to achieve the purposes of the council.

7. ANNUAL REPORT. The council shall annually report to the governor and members of the general assembly on the progress it has made toward meeting its responsibilities.

The council shall meet at least twice annually, and may establish such subcommittees and task forces as are necessary to achieve its purpose.

8. CONFIDENTIALITY OF INFORMATION. Data collected pursuant to this chapter shall be confidential to the extent necessary to protect the identity of persons who are the subjects of the data collection.

Sec. 33. NEW SECTION. 125.32A DISCRIMINATION PROHIBITED.

Any substance abuse treatment program receiving state funding under this chapter or any other chapter of the Code shall not discriminate against a person seeking treatment solely because the person is pregnant, unless the program in each instance identifies and refers the person to an alternative and acceptable treatment program for the person.

Sec. 34. Section 249A.4, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 13. May stop payments and withhold further medical assistance payments for substance abuse treatment as recommended by the addiction treatment effectiveness advisory council pursuant to section 125.15G.*

Sec. 35. NEW SECTION. 256.43 STAFFING AND TECHNICAL ASSISTANCE TO COUNCIL.

1. Staff support for the youth 2000 coordinating council shall be provided by the department of education. Staff duties shall include, but are not limited to, collecting, collating, analyzing, and presenting necessary information, data, and materials to the council; advising and assisting the council in policy analysis and the development of council recommendations; preparation of reports and other materials necessary to accomplish the goals of the council; preparation and dissemination of interagency, intergovernmental, and public communications associated with the work of the council; coordination of council activities with other policy analysis and development activities carried on within the state; and coordination in delivery of state-level council services with department of education staff providing technical assistance to the council under subsection 2.

2. The department of education shall contract with a nonprofit organization to provide technical assistance to communities. Technical assistance shall be structured to provide direct

*Item vetoed

services to Iowa communities which are establishing community planning teams and to assist in the development of collaborative drug use prevention, dropout prevention, and youth development efforts.

Technical assistance to community planning teams shall include, but is not limited to, providing professional advice on youth development, drug use prevention, and other issues; providing access to current research and information; assisting community planning teams in identifying appropriate team members; facilitating team building; assisting in the development of strategic plans relating to community youth issues; providing community development activities; providing conflict resolution; and developing educational and technical materials. Technical assistance shall also include, but is not limited to, the identification of funding and other resources to aid in the implementation of drug use prevention, dropout prevention, and youth development programs; the identification of appropriate drug use prevention, dropout prevention, and youth development program models; and coordination in the delivery of state-level council services with department of education staff providing staff support for the council.

Sec. 36. Section 911.2, Code 1989, is amended to read as follows:

911.2 SURCHARGE.

When a court imposes a fine or forfeiture for a violation of a state law, or of a city or county ordinance except an ordinance regulating the parking of motor vehicles, the court shall assess an additional penalty in the form of a surcharge equal to ~~fifteen~~ twenty percent of the fine or forfeiture imposed. In the event of multiple offenses, the surcharge shall be based upon the total amount of fines or forfeitures imposed for all offenses. When a fine or forfeiture is suspended in whole or in part, the surcharge shall be reduced in proportion to the amount suspended.

The surcharge is subject to the provisions of chapter 909 governing the payment and collection of fines, as provided in section 909.8.

Sec. 37. Section 911.3, Code 1989, is amended to read as follows:

911.3 DISPOSITION OF SURCHARGE.

When a court assesses a surcharge under section 911.2, the clerk of the district court shall transmit ~~ninety~~ twenty-five percent of the surcharge collected to the treasurer of state to be deposited pursuant to section 321J.17. Ninety percent of the remainder of the surcharge collected shall be transmitted to the treasurer of state by the fifteenth day of the following month. The treasurer of state shall deposit one third of ~~the~~ that money in the law enforcement training reimbursement fund established under section 384.15 and the remaining two thirds of ~~the~~ that money in the general fund of the state. The clerk of the district court shall transmit ten percent of the remainder of the surcharge to the county treasurer or shall remit ten percent of the remainder of the surcharge to the city that was the plaintiff in any action for deposit in the general fund of the city.

Sec. 38. Section 912.2A, subsection 1, Code Supplement 1989, is amended to read as follows:

1. A crime victim assistance board is established, and shall consist of the following members to be appointed pursuant to rules adopted by the department:

- a. A county attorney or assistant county attorney.
- b. ~~A person~~ Two persons engaged full time in law enforcement.
- c. A public defender or an attorney practicing primarily in criminal defense.
- d. A hospital medical staff person involved with emergency services.
- e. A public member who has received victim services.
- f. A victim service provider.
- g. A person licensed pursuant to chapter 154B or 154C.
- h. A person representing the elderly.

Board members shall be reimbursed for expenses actually and necessarily incurred in the discharge of their duties.

Sec. 39. ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the Iowa department of public health for the federal fiscal year beginning October 1, 1990, the following amount:

..... \$ 7,804,000

Funds appropriated by this section are the anticipated funds to be received from the federal government for the designated federal fiscal year under Pub. L. No. 97-35, Title IX, Subtitle A, and Pub. L. No. 97-414 which provides for the alcohol and drug abuse and mental health services block grant. The department shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Of the funds appropriated in this section, an amount not exceeding \$33,133 shall be used for audits. The auditor of state shall bill the Iowa department of public health for the cost of the audits.

The Iowa department of public health shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in this subsection from funds appropriated to the department from the general fund of the state, in addition to the amount to be used for audits as provided in this subsection. The auditor of state shall bill the Iowa department of public health for the costs of the audit.

2. 10 percent of the remaining funds, as allowed pursuant to Pub. L. No. 97-35, Title IX, Subtitle A, and which are appropriated in subsection 1 shall be transferred to the division of mental health, mental retardation, and developmental disabilities within the department of human services and allocated for community mental health centers with priority being given to dual diagnosis. Of this amount, 10 percent shall be used to provide services and programs for severely emotionally disturbed children and adolescents, and 55 percent shall be used to develop and provide community mental health services and programs not available on October 1, 1988. New services developed between October 1, 1984, and October 1, 1988, with alcohol, drug abuse, and mental health services block grant funds may be treated as new services.

3. An amount not exceeding 5 percent of the funds in excess of \$2,839,000 appropriated in subsection 1 shall be used by the Iowa department of public health for administrative expenses.

4. 10 percent of the funds appropriated in subsection 1 shall be used to provide alcohol and drug abuse services to women.

5. After deducting the funds allocated in subsections 1, 2, 3, and 4, the remaining funds appropriated in subsection 1 shall be allocated according to the following percentages to supplement appropriations for the following programs within the Iowa department of public health:

- a. Drug abuse treatment programs 38.89 percent

Of the amount appropriated under this paragraph, at least \$1,358,000 must be used for intravenous drug abusers unless a waiver is granted from the federal government.

- b. Alcohol abuse treatment programs 38.89 percent

- c. Alcohol and drug abuse prevention programs 22.22 percent

As a condition, limitation, and qualification of the appropriation in this section, and the allocations in subsection 5, paragraphs "a" and "b", priority shall be given to maintaining existing services, reducing the treatment waiting lists, including increasing provider salaries, providing aftercare services, and providing early intervention in the treatment of infants affected by cocaine.

As a condition, limitation, and qualification of the appropriation in this section, and the allocations in subsection 5, paragraph "c", priority shall be given to maintaining existing services, funding additional prevention specialists, and increasing provider salaries.

Sec. 40. DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM APPROPRIATION.

1. There is appropriated from the fund created in section 8.41 to the governor's substance abuse coordinator for the federal fiscal year beginning October 1, 1990, the following amount:

..... \$ 4,860,000

Funds appropriated by this subsection are the anticipated funds to be received from the federal government for the designated fiscal year under Pub. L. No. 100-690 which provides for the drug control and system improvement grant program. The coordinator shall expend the funds appropriated by this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding 5 percent of the funds appropriated in subsection 1 shall be used by the governor's substance abuse coordinator for administrative expenses. From the funds set aside by this subsection for administrative expenses, the coordinator shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the governor's substance abuse coordinator for the cost of the audit.

3. Priority for the funding of programs with funds appropriated in subsection 1 shall be given, to the extent possible, to programs which accomplish any of the following:

- a. Expand analysis capabilities at the state criminalistics laboratory.
- b. The formation of multijurisdictional task forces, created for the purpose of cooperating jointly in enforcement efforts related primarily to controlled substances, counterfeit substances, or simulated controlled substances.
- c. Expand prosecutorial capabilities at the county and state level for drug-related offenses.
- d. Establish or continue training programs for law enforcement officers, prosecutors, judges, probation officers, correctional officers, staff working with juvenile offenders, substance abuse prevention and treatment providers, and members of the community, which emphasize multidisciplinary understanding of drug abuse, including prevention and intervention policies.
- e. Establish or continue treatment programs for prison-based populations and juvenile rehabilitation programs.
- f. Establish or continue project D.A.R.E. (drug abuse resistance education).
- g. Other programs authorized under the drug control and system improvement grant program.

Sec. 41. PROCEDURE FOR REDUCED FEDERAL FUNDS.

1. If the funds received from the federal government for the block grants specified in sections 39 and 40 of this Act are less than the amounts appropriated, the funds actually received shall be prorated by the governor for the various programs, for which each block grant is available according to the percentages that each program is to receive as specified in this Act. However, if the governor determines that the funds allocated by the percentages will not be sufficient to effect the purposes of a particular program, or if the appropriation is not allocated by percentage, the governor may allocate the funds in a manner which will effect to the greatest extent possible the purposes of the various programs for which the block grants are available.

2. Before the governor implements the actions provided for in subsection 1, the following procedures shall be taken:

- a. The chairpersons and ranking members of the senate and house standing committees on appropriations, the appropriate chairpersons and ranking members of subcommittees of those committees, and the director of the legislative fiscal bureau shall be notified of the proposed action.
- b. The notice shall include the proposed allocations, and information on the reasons why particular percentages or amounts of funds are allocated to the individual programs, the departments and programs affected, and other information deemed useful. Chairpersons notified shall be allowed at least 2 weeks to review and comment on the proposed action before the action is taken.

Sec. 42. PROCEDURE FOR INCREASED FEDERAL FUNDS.

If funds received from the federal government in the form of block grants exceed the amounts appropriated in sections 39 and 40 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

Sec. 43. PROCEDURE FOR CONSOLIDATED, CATEGORICAL, OR EXPANDED FEDERAL BLOCK GRANTS.

Notwithstanding section 8.41, federal funds made available to the state which are authorized for the federal fiscal year beginning October 1, 1990, resulting from the federal government consolidating former categorical grants into block grants, or which expand block grants included in Pub. L. No. 97-35, to include additional programs formerly funded by categorical grants, which are not otherwise appropriated by the general assembly, are appropriated for the programs formerly receiving the categorical grants, subject to the conditions of this section. The governor shall, whenever possible, allocate from the block grant to each program in the same proportion as the amount of federal funds received by the program during the 1990 federal fiscal year as modified by the 1990 Session of the Seventy-third Iowa General Assembly for the state fiscal year beginning July 1, 1990, compared to the total federal funds received in the federal fiscal year by all programs consolidated into the block grant. However, if one agency did not have categorical funds appropriated for the federal fiscal year beginning October 1, 1989, but had anticipated applying for funds during the federal fiscal year beginning October 1, 1990, the governor may allocate the funds in order to provide funding.

If the amount received in the form of a consolidated or expanded block grant is less than the total amount of federal funds received for the programs in the form of categorical grants for the 1990 federal fiscal year, state funds appropriated to the program by the general assembly to match the federal funds shall be reduced by the same proportion of the reduction in federal funds for the program. State funds released by the reduction shall be deposited in a special fund in the state treasury and are available for appropriation by the general assembly. The governor shall notify the chairpersons and ranking members of the senate and house standing committees on appropriations, the appropriate chairpersons and ranking members of the subcommittees of those committees, and the director of the legislative fiscal bureau before making the allocation of federal funds or any proportional reduction of state funds under this section. The notice shall state the amount of federal funds to be allocated to each program, the amount of federal funds received by the program during the 1990 federal fiscal year, the amount by which state funds for the program will be reduced according to this section, and the amount of state funds received by the program during the 1990 fiscal year. Chairpersons notified shall be allowed at least 2 weeks to review and comment on the proposed action before the action is taken.

If the amount received in the form of a consolidated or expanded block grant is more than the total amount of federal funds received for the programs in the form of categorical grants for the 1990 federal fiscal year, the excess funds shall be deposited in the special fund created in section 8.41 and are subject to the provisions of that section.

Sec. 44. IOWA DEPARTMENT OF PUBLIC HEALTH.

There is appropriated from the federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 1990, and ending June 30, 1991, to the Iowa department of public health, the following amounts, to be used as set forth in the grants, receipts, or conditions accompanying the receipt of the funds for the purposes designated:

- 1. For drug free schools and comprehensive prevention services, to high-risk youth, grant number S186A90067:

	\$	1,346,000
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- 2. For the drug abuse treatment waiting list reduction grant program, grant number ADH000020-01:

	\$	279,647
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Sec. 45. DEPARTMENT OF EDUCATION.

There is appropriated from federal grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 1990, and ending June 30, 1991, to the department of education, the following amount, to be used for the purposes designated:

	\$	3,500,000
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It is the intent of the general assembly that of the funds appropriated in this section and provided to school districts, the highest priority shall be given to the extent possible, to providing funding for implementation of human growth and development curriculum related to substance abuse.

It is also the intent of the general assembly that of the funds appropriated in this section and provided to school districts, priority shall be given to the extent possible, to provide funding for substance abuse curriculum development and training, development of student assistance teams, and other related programs. It is also the intent of the general assembly that to the extent possible, funds provided to the school districts by this section be used for projects with demonstrated success.

The department of education, in consultation with the division of substance abuse of the Iowa department of public health, shall survey all school districts in the state for the purpose of evaluating and assessing the extent to which substance abuse education is being provided to students in grades kindergarten through 12. The department, in consultation with the division, shall issue a request for proposals for the purpose of contracting with an entity to conduct a longitudinal study for a minimum of twenty-five years to study, evaluate, and assess the effectiveness of the substance abuse education programs provided, to the extent possible, and to determine if peer groups exposed to certain types of prevention programs, when normed for socioeconomic and other pertinent factors, exhibit different incidences of substance abuse and use than the general population. The study shall also include follow-up information concerning students participating in such programs, including students who subsequently drop out of school. The department shall recognize successful programs and provide information concerning such programs to other districts making application for these funds. The department shall report the findings of the joint survey and study to the general assembly no later than January 15, 1991.

Sec. 46. 1989 Iowa Acts, chapter 310, section 1, subsections 4, 5, 6, and 7, are amended to read as follows:

4. There is appropriated from the fund created by section 8.41 to the Iowa department of public health, under Pub. L. No. 100-690 for the federal fiscal year beginning October 1, 1989, the following amount:

.....	\$	1,970,000
		<u>4,965,000</u>

Funds appropriated by this section provide for the alcohol and drug abuse treatment and mental health services block grant. The department shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

5. An amount not exceeding five four percent of the funds appropriated in subsection 4 shall be used by the Iowa department of public health for administrative expenses.

6. Ten percent of the funds appropriated in subsections 1 and 4 shall be used to provide alcohol and drug abuse services to women and priority shall be given to pregnant women with substance abuse problems.

7. After deducting the funds allocated in subsections 1, 2, 5, and 6, the remaining funds appropriated in subsections 1 and 4 shall be allocated according to the following percentages to supplement appropriations for the following programs within the Iowa department of public health:

- a. Drug abuse treatment programs 38.89 percent
- b. Alcohol abuse treatment programs 38.89 percent
- c. Alcohol and drug abuse prevention programs 22.22 percent

As a condition, limitation, and qualification of the funds appropriated in paragraphs "a" and "b", \$490,000 shall be made available May 1, 1990, to reduce substance abuse treatment waiting lists with priority to be given to persons released or discharged from an institution under

the direction of the department of corrections who were in treatment programs and who are identified by the board of parole to be in need of further treatment, women of childbearing age, and juveniles. Effective July 1, 1990, existing services shall be maintained, \$1,528,702 shall be used to reduce substance abuse treatment waiting lists with priority to be given to persons released or discharged from an institution under the direction of the department of corrections who were in treatment programs and who are identified by the board of parole to be in need of further treatment, women of childbearing age, and juveniles.

As a condition, limitation, and qualification of the funds appropriated in paragraph "c", \$126,000 shall be made available May 1, 1990, to fund no more than six additional prevention specialists. Effective July 1, 1990, existing services shall be maintained, \$200,000 shall be used to fund no more than ten additional prevention specialists, and \$250,698 shall be used to fund increases in provider salaries and add additional prevention specialists.

Sec. 47. 1989 Iowa Acts, chapter 310, section 4, subsections 1 and 2, are amended to read as follows:

1. There is appropriated from the fund created in section 8.41 to the Iowa department of public health office of the governor for the drug enforcement and abuse prevention coordinator for the federal fiscal year beginning October 1, 1989, the following amount:

.....	\$	1,553,000
.....		4,860,000

Funds appropriated by this subsection are the anticipated funds to be received from the federal government for the designated fiscal year under Pub. L. No. 100-690 which provides for the drug control and system improvement grant program. The department drug enforcement and abuse prevention coordinator shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding ten five percent of the funds appropriated in subsection 1 shall be used by the Iowa department of public health drug enforcement and abuse prevention coordinator for administrative expenses. From the funds set aside by this subsection for administrative expenses, the Iowa department of public health drug enforcement and abuse prevention coordinator shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the Iowa department of public health drug enforcement and abuse prevention coordinator for the cost of the audit.

Sec. 48. 1989 Iowa Acts, chapter 310, section 4, is amended by adding the following new subsections:

NEW SUBSECTION. 4. Priority for the funding of programs with funds appropriated in subsection 1 shall be given, to the extent possible, to programs which accomplish any of the following:

- a. Expand analysis capabilities at the state criminalistics laboratory.
- b. The formation of multijurisdictional task forces, created for the purpose of cooperating jointly in enforcement efforts related primarily to controlled substances, counterfeit substances, or simulated controlled substances.
- c. Expand prosecutorial capabilities at the county and state level for drug-related offenses.
- d. Establish or continue training programs for law enforcement officers, prosecutors, judges, probation officers, correctional officers, staff working with juvenile offenders, substance abuse prevention and treatment providers, and members of the community, which emphasize multidisciplinary understanding of drug abuse, including prevention and intervention policies.
- e. Establish or continue treatment programs for prison-based populations and juvenile rehabilitation programs.
- f. Establish or continue project D.A.R.E. (drug abuse resistance education).
- g. Other programs authorized under the drug control and system improvement grant program.

NEW SUBSECTION. 5. The governor's alliance on substance abuse shall design a study to evaluate longterm outcomes of projects funded by this grant program and shall use this study as a factor when awarding federal funds. The alliance shall collect program evaluations and document the effectiveness of the various programs funded under this grant program. The alliance shall make this information available to applicants and grantees and report to the general assembly, no later than December 15, 1990, concerning the effectiveness of programs funded.

Sec. 49. 1989 Iowa Acts, chapter 310, section 14, subsection 1, is amended to read as follows:

1. If funds received from the federal government in the form of block grants exceed the amounts appropriated in sections 2, 3, and 4 and 3, and section 7, subsection 1 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

Approved May 7, 1990, except the items which I hereby disapprove and which are designated as section 2 in its entirety; section 4, subsections 4 and 6 in their entirety; section 6, subsection 2 in its entirety; sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 in their entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the secretary of state this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

Dear Madam Secretary:

I hereby transmit House File 2564, an Act relating to making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties.

House File 2564 provides the funding for the state's substance abuse program in the areas of prevention and education, treatment and rehabilitation, and law enforcement and prosecution. I have approved in this bill nearly \$2.313 million of new state funding for these initiatives. Much of this funding can be used to draw down federal funding thereby multiplying the total amount available to fight drugs in Iowa.

I have approved in the Department of Public Health \$1.2 million for treatment programs, \$200,000 for prevention programs, and \$250,000 for the aftercare services. Eighty thousand dollars is provided to the Department of Education for Youth 2000 drug prevention grants. Funding is made available for eight additional narcotic agents, four lab technicians, and more drug-buy money. I have also approved appropriations to establish a Council on Chemically Exposed Infants, to extend the D.A.R.E. program into additional areas of the state, to support a statewide drug information clearing house and to implement a drug abuse data collection system. Many of these initiatives I proposed and fully support and I am pleased to sign them into law.

House File 2564 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 2, in its entirety. This provision would make an appropriation for grants to community colleges to provide staff training on domestic abuse. I have already approved in House File 2371 funding to provide training through the Department of Human Rights to deal with domestic abuse. This additional spending would be duplicative.

I am unable to approve the item designated as Section 4, subsection 4, in its entirety. Over \$1 million is provided elsewhere in this bill for substance abuse treatment programs. That

funding is made available in the form of grants which are conditioned on priority treatment being provided to certain persons, including pregnant women and drug-affected babies. This provision would make an additional \$125,000 appropriation to establish a pilot project to provide treatment services to pregnant women and infants. This project can be financed with the funding I have approved, therefore, this additional spending is unnecessary.

I am unable to approve the items designated as Section 4, subsection 6, and Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, in their entirety. These provisions would establish a fifteen member advisory council which would be charged with assessing and making recommendations relating to the effectiveness of substance abuse treatment programs and appropriate \$250,000 to this council. These provisions also establish an unrealistically high minimum success rate that treatment providers would be required to meet and provides sanctions for those who fail to do so. Much concern has been expressed about the method of evaluating substance abuse treatment programs established in this bill. Further discussion and study of this matter is needed.

I am unable to approve the item designated as Section 6, subsection 2, in its entirety. This provision appropriates \$125,000 to the Drug Abuse and Prevention Coordinator to establish a pilot educational and treatment program for children whose mothers used drugs during their pregnancy. The program is required to include a wide variety of services including an education program for incarcerated parents, training on parenting skills, mentoring within our welfare reform program and treatment for substance abuse. These services are currently available through programs provided by a number of state agencies. Coordination of these services should and does occur at the local level.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2564 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1265

**APPROPRIATIONS FOR ENERGY CONSERVATION
AND ENVIRONMENTAL PROTECTION**

H.F. 2567

AN ACT relating to and making appropriations from the energy conservation trust.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1.

There is appropriated from those funds designated within the energy conservation trust created in section 93.11, to the energy and geological resources division of the department of natural resources for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, for disbursement under section 93.11 to the following agencies for the purposes designated:

1. To the department of natural resources for the following purposes:

a. For deposit in the oil overcharge account of the groundwater protection fund created pursuant to section 455E.11, subsection 2, paragraph "e", and allocated as provided from the Strip-per well fund:

..... \$ 2,700,000